

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34862 of 2023

Arising Out of PS. Case No.-950 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Chandra Mani Singh S/O Shri Sitaram Singh
2. Shyama Devi W/O Shri Chandra Mani Singh
Both are R/O Village- G.L.S. Arawali Homes, Flat No. 308, Tower 13,
Damdama Road, P.S- Sohna, Distt.- Gurgaon, Haryana- 122103
... .. Petitioner/s
- Versus
1. The State of Bihar
2. Damini Kumari W/O Neeraj Singh and D/O Anil Kumar Singh R/O Village-
G.L.S. Arawali Homes, Flat No. 604, Tower 16, Damdama Road, P.S-
Sohna, Distt.- Gurgaon, Haryana- 122103
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-02-2024 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The present application has been filed for quashing
the order dated 25.01.2023 passed by Sub-Divisional Judicial
Magistrate, Danapur (Patna) in Complaint Case No.950(P) of
2022 whereby and whereunder he has taken cognizance under
Sections 323, 341, 504, 498A of the IPC and Section 4 of the
Dowry Prohibition Act.

3. Prosecution case, in brief, is that the complainant/
opp.party no. 2 namely Damini Kumari has filed this complaint
case in the court of learned A.C.J.M., Danapur against her



husband Neeraj Singh and father-in-law & mother-in-law (petitioners) alleging therein that she was married on 14.03.2015 with son of petitioners. After the marriage, from 19.03.2015 onwards the complainant began to reside at Faridabad. It is alleged that in the name of marriage, her parents gave Rs. 15 lacs cash, ornaments worth Rs. 1.5 lack and other valuable articles. It is further alleged that after the marriage, husband of the complainant demanded money from her parents to buy a flat in Delhi and a motor car, which was refused, as a result of which, her husband assaulted her. The complainant has further alleged that due to non-fulfillment of demand of dowry, she was subjected to cruelty and harassment.

4. The complainant alongwith other witnesses were examined on S.A. and the learned S.D.J.M., Danapur, vide order dated 25.01.2023, took the cognizance for the offences punishable under Sections 323, 341, 504, 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act against petitioners and husband of complainant and directed for issuance of summons against them for their appearance.

5. Learned counsel for the petitioners submits that petitioners are father-in-law and mother-in-law of complainant/O.P. No.2 and they have been falsely implicated in



this case. As a matter of fact, the complainant was married with son of petitioners as per Hindu rites. It was a love-cum-arrange marriage, which was solemnized without taking dowry and as such, no question of dowry arises. After the marriage, the complainant alongwith her husband lived separately in Delhi and as such, story of demand of dowry in the form of cash and vehicle is false and concocted. In fact, son of petitioners has purchased a car on loan, being financed by M/s Kotak Mahindra Prime Ltd. Company on payment EMI. The complainant has roped the relatives of the husband due to anger generated against her husband. He further submits that even if, the entire facts mentioned in the complaint are taken into consideration in its entirety, then *prima facie*, no case is made out against these petitioners and therefore, Section 4 of the Dowry Prohibition Act is not applicable. Lastly, the learned counsel for the petitioners submits that continuation of the proceeding is a clear abuse of the process of law and that would result in causing injustice to them. On aforesaid grounds, it has been prayed to set aside the impugned order of cognizance.

6. Learned APP for the State vehemently opposes the prayer made on behalf of the petitioners and submits that there is sufficient material against the petitioners in the complaint and



they are the kingpin and instrumental in commission of torture and harassment.

7. Heard the contention raised on behalf of the parties and perused the materials available on record. From bare perusal of the complaint petition, it is apparent that there is no specific and distinct allegations levelled against these petitioners. None of the petitioners have been attributed any specific role and only on the basis of general and omnibus allegation, the relatives of the husband should not be roped unless specific instance of involvement in the crime is made out. In absence of clear and specific allegations against these petitioners, allowing prosecution would simply result in an abuse of the process of law.

8. Therefore, considering the facts and circumstances of the case and in absence of any specific role attributed against the petitioners as well as law laid down by the Hon'ble Apex Court in the case of **Preeti Gupta & Anr vs State of Jharkhand & Anr** reported in (2010) 7 SCC 667, in the case of **Geeta Mehrotra vs. State of U.P.** reported in (2012) 10 SCC 741 and in the case of **Kahkashan Kausar @ Sonam & Ors.** reported in (2022) 6 SCC 599, impugned order of cognizance dated 25.01.2023 passed by learned Sub-Divisional Judicial



Magistrate, Danapur District – Patna in Complaint Case No. 950(P) of 2022 is, hereby, quashed in respect of these petitioners only.

9. The present application stands allowed.

(Prabhat Kumar Singh, J)

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